

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH WALLS,	§
	§ No. 671, 2009
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 86001399DI
Plaintiff Below-	§
Appellee.	§

Submitted: April 8, 2011
Decided: June 13, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 13th day of June 2011, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Joseph Walls, filed this appeal from the Superior Court's order, dated November 6, 2009, which denied his motion for correction of sentence and summarily dismissed his motion for postconviction relief. We find no merit to Walls' appeal. Accordingly, the judgment of the Superior Court shall be affirmed.

(2) The record reflects that Walls is serving a lengthy prison sentence following his convictions in 1988 for robbery, kidnapping and

related charges. This Court affirmed his convictions on direct appeal.¹ Since that time, Walls has filed several unsuccessful postconviction petitions.² In September 2009, Walls filed a motion to correct an illegal sentence and for postconviction relief, which the Superior Court denied. This appeal followed.

(3) Walls raises three issues in his opening brief on appeal. First, he contends that the evidence at trial was insufficient to support his conviction for kidnapping first degree. Second, he asserts that his convictions for kidnapping and robbery must be overturned because he was entitled to an accomplice liability instruction under title 11, section 274 of the Delaware Code. Third, Walls contends that the trial judge improperly instructed the jury on accomplice liability.

(4) After careful consideration of the parties' briefs and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated November 6, 2009. The Superior Court did not err in concluding that all of Walls' claims were seeking postconviction relief under Rule 61 and that those

¹ *Walls v. State*, 1990 WL 17759 (Del. Feb. 8, 1990).

² *See, e.g., Walls v. State*, 2008 WL 187948 (Del. Jan. 7, 2008) (affirming denial of second motion for postconviction relief).

claims were all procedurally barred as untimely and previously adjudicated.

Walls failed to overcome these procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice